

## **DETAILED ACTION**

### ***Status of Claims***

1. This Office Action is responsive to the amendment filed on 3/12/2009. Claims 1-5, 7, and 14 are pending. Claims 1-5 and 7 have been amended. Claim 14 is new. Claims 6 and 8-13 are cancelled.

### ***Response to Applicant's Arguments***

2. This Office Action is responsive to the amendment filed on 3/12/2009. Applicant's arguments with respect to claim 1-5, 7, and 14 have been considered but are moot in view of the new ground(s) of rejection (necessitated by amendment). The 112, second paragraph, rejection of claim 1, is withdrawn in view of the amended claims.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

4. A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-5, 7, and 14 are rejected under 35 U.S.C. 103(a) as obvious over La Flame (US Patent No. 3333742) in view of Yoshinori et al. (JP Patent Publication No. JP9164105) in view of Ellingson et al. (US Patent No. 5118254).

6. La Flame teaches a dishwasher having a cabinet (12) defining an outer appearance. A tub (20) is received with the cabinet and is defined by a rear part and side parts vertically extended. An upper part of the tub is extended from an upper end of the rear part and the side parts in a

substantially horizontal direction. A bottom part is integrally extended from lower ends of the rear part and side parts. The bottom part is bent from the lower ends of the rear part and side parts, Fig. 1. A sump housing (22) is coupled substantially to a center portion of the bottom part of the tub and the sump housing has a water storing portion which is recessed in a predetermined depth, Fig. 2. A water supply connector (60) is formed on first portion of the washing water storing portion. A washing pump is disposed within the sump housing. The washing motor is mounted beneath the sump housing and has a motor shaft extended to be directly connected to the washing pump. It may be unclear as to whether these so-called "first and second portions" are formed opposite of one another. Examiner contends they are formed at opposite parts of the bottom half of the wash tub. However, alternatively, if they are not considered to be placed in an opposing relationship, it would have been obvious to one of ordinary skill in the art at the time of the invention to make minor alterations to the design of the water inlet and heating element such that they are formed opposite to one another. La Flame still teaches the main heating functions of the claimed invention wherein water that is supplied to the tub is heated. La Flame teaches a heater insertion hole and a rib on the sump housing. Moreover, Applicant has not shown that this "opposite" spaced relationship has a criticality. It appears that the invention would perform equally well with other alternatively known arrangements between the heater and water supply unit and the selection of any of these known equivalents to provide water heating functions would be within the level of ordinary skill in the art.

7. La Flame does not teach a heater insertion hole formed on a "second portion" of the washing water storing portion nor a heater inserted into the washing water storing portion by horizontally passing through a heater insertion hole; however, Yoshinori et al. teaches a heater

(9) provided in a water storage tank (4) in the sump of the tub, Fig. 1. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify La Flame with Yoshinori et al. that a heater is present to heat the water and further it is obvious to be installed through a hole (if needed for the design) to achieve the expected results.

8. La Flame as modified by Yoshinori et al. does not teach an integral rib extending from an outer bottom surface of the sump housing; however, Ellingson et al. (US Patent No. 5118254) teaches a sump housing which has a rib protruding from a outer surface, Figs. 3-4. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify La Flame as modified by Yoshinori et al. with the rib of Ellingson et al. to create a sump housing which is strengthened by the rib to achieve the expected result. Note: the integrally formed rib of Ellingson substantially surrounds the motor of La Flame as modified. The inclination of the rib/variance in height as it navigates the perimeter/continuousness of the rib are all obvious choices in design and would depend on the orientation of the heater inlet hole and water inlet such as to provide maximum strengthening.

### ***Conclusion***

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JASON P. RIGGLEMAN whose telephone number is (571)272-5935. The examiner can normally be reached on M-F, 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Barr can be reached on 571-272-1414. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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